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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (s) No. 3289 of 2007

Petitioner Krishna Dulal Roy, aged about 69 years, son of Late Shri Narendra Nath Roy, Resident of Tina Dafai, Chhota Bazar, Near Old Church, Chirimiri, District Korea, CG.

Versus

Respondents

1) State of Chhattisgarh, through Secretary, Department of School Education, Mantraiaya, D.K.S. Bhawan, Raipur, CG.

2) The District Education Officer, Korea, District Korea, CG.

3) Administrator through Principal, Lahiri Multipurpose, Higher Secondary School, Chirimiri, District Korea, CG.

4) The Director, Directorate, Public Institution, Pension Bada, Raipur, CG.

(Writ Petition under Article 226/227 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present:

Shri R.K. Jaiswal, counsel for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State.

ORAL ORDER
(Passed on 13th June, 2007)

By this petition the petitioner who was working Upper Division Teacher in Lohiri Multipurpose Higher Secondary School, District Korea, is claiming the benefits of 5th Pay Commission at par with their counter part in the Government Schools. The 5th Pay Commission was to be granted with effect from 1-1-1996 in accordance with the Madhya Pradesh Revision of Pay Rules, 1998.

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2) The petitioner retired from service on attaining the age of superannuation. This Court by the judgment and order dated 6-2-2007 in the case of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (W.P.No.4108 of 2005) held that the teachers working in government aided schools are entitled to the benefit of recommendation of the 5th Pay Commission. After the decision of this Court, the petitioner has filed this petition on 11-6-2007 claiming for the same relief after his retirement.

3) Learned counsel appearing for the petitioner submits that the petitioner has made representations on 28-5-2007 (Annexure P/3 to P/5) to the respondents authorities. it was not considered at all.

4) In view of the fact that the representations of the petitioners are pending consideration before the concerned authorities, the respondents-authorities are accordingly directed to consider his representation dated 28-5-2007 (Annexure P/3 to P/5) pending before the District Education Officer, Korea, District Korea and the Director Public Instructions, Raipur in accordance with law, on its own merits, in the light of the judgment and order dated 6-2-2007 passed by this Court in the matter of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (supra).

5) This petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

raju